

**IN THE UNITED STATES DISTRICT COURT  
OF THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**DONNA D. SMITH,**  
**Plaintiff**

**V.**

**JO ANNE B. BARNHART,**  
**Commissioner of Social**  
**Security Administration,**  
**Defendant**

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**No. 5:04CV133**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. No objections to the Report and Recommendation were filed. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

**ORDERED** that Defendant's Unopposed Motion to Reverse With Remand for Further Administrative Proceedings (Dkt. No. 11) is **GRANTED**. It is further

**ORDERED** that this case is reversed and remanded under the fourth sentence of the Social Security Act, 42 U.S.C. § 405(g), to the Commissioner of the Social Security Administration for further administrative proceedings before an Administrative Law Judge ("ALJ"). It is further

**ORDERED** that on remand an ALJ will further evaluate Plaintiff's subjective complaints of pain and other symptoms, her residual functional capacity, and the medical opinions of her

treating physicians, including her cardiologist, Dr. Evelio Garcia. It is further

**ORDERED** that all motions not previously ruled on are **DENIED**, and the referral order is **VACATED**.

**SIGNED** this 8th day of June, 2005.

  
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DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE